



Date Issued: January 3, 2000

Case No.: 1999-JSA-001

In the Matter of

**UNIVERSITY OF MARYLAND, COLLEGE PARK,
Complainant,**

v.

**EMPLOYMENT AND TRAINING ADMINISTRATION,
UNITED STATES DEPARTMENT OF LABOR,
Respondent.**

ORDER OF DISMISSAL

The instant case has been brought under the provisions of the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. § 49 *et seq.* It involves a challenge to the prevailing wage determination of the Employment and Training Administration (ETA), Philadelphia, Pennsylvania (reissued by the Certifying Officer under letter of August 5, 1999.) See 20 C.F.R. § 658.423. By my Notice of Assignment and Order of November 12, 1999, I ordered the Regional Administrator to comply with the requirements of 20 C.F.R. § 658.424(a), which, *inter alia*, require that the Regional Administrator send an indexed copy of the hearing file to the Chief Administrative Law Judge.

On December 9, 1999, Respondent ETA moved to dismiss the instant case as moot. In its Motion to Dismiss, Respondent indicates that it has reassessed its position in light of section 415 of the American Competitiveness and Workforce Improvement Act of 1998, Public Law 105-277, 112 Stat. 2681, which provides that the prevailing wage set for colleges and universities shall take into account wages for employees at such institutions and organizations within the area of employment. Applying the requirements of that section, Respondent has determined that the wage offered by Complainant on its March 23, 1995 labor condition application is in compliance with law. Respondent further indicates that the Complainant concurs with dismissal of this action. Accordingly,

IT IS HEREBY ORDERED that the instant case is DISMISSED AS MOOT.

PAMELA LAKES WOOD
Administrative Law Judge

Washington, D.C.